



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,873	02/11/2000	Derek L Collison	TEKN004/01US	5804
7590 09/30/2005 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 WILSHIRE BLVD. SEVENTH FLOOR LOS ANGELES, CA 90025			EXAMINER HO, ANDY	
			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,873

Applicant(s)

COLLISON ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-52, 54-56, 58-62, 64-66, 68 and 69 is/are rejected.
- 7) ☒ Claim(s) 53, 57, 63 and 67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/19/04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the amendment filed 7/15/2005.
2. Claims 49-69 have been examined and are pending in the application.

### ***Allowable Subject Matter***

3. Claims 53, 57, 63 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 49-52, 54-56, 58-62, 64-66 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen U.S Patent No. 5,557,798 in view of Cohen U.S Patent No. 6,477,585.

**As to claim 49**, Skeen teaches in a computer-based publish/subscribe system having a subscriber application that has previously subscribed to receive a particular type of message (subscription request, lines 52-53 column 80), a computer-implemented method for establishing a certified messaging session between a publisher

Art Unit: 2194

application and the subscriber application (data producing and data consuming processes, lines 41-42 column 80), the computer-implemented method comprising:

receiving at the publisher application a certified messaging subscription request (receive a subscription request, lines 52-53 column 80), said certified messaging subscription request including an address where the subscriber application receives messages (network address of the subscriber, lines 8-9 column 34), and a subject name associated with and identifying the particular type of message (the subjects subscribed to, lines 9-10 column 34) for which the certified messaging session is to be established;

responsive to receiving the certified messaging subscription request, establishing the certified messaging session with the subscriber application (communication link be established, line 60 column 80) by adding the subscriber to a message ledger at the publisher application (the list is used by the data publisher to cause messages on particular subjects to be routed to the address of the subscriber, lines 13-16 column 34), and communicating an acknowledgment message to the subscriber application, the acknowledgment message to acknowledge the establishment of the certified messaging session (the producer service will be notified of the subscription, lines 18-21 column 28); and,

attempting to deliver a certified message of the particular type in accordance with the certified messaging session (subsequent data messages, line 31 column 100) by assigning a sequence number to the certified message (adds sequence numbers to packets, lines 45-46 column 5), addressing the certified message to the address where

Art Unit: 2194

the subscriber application receives messages (the list is used by the data publisher to cause messages on particular subjects to be routed to the address of the subscriber, lines 13-16 column 34), communicating the certified message from the publisher application to the subscriber application recording a delivery attempt of the certified message in the ledger, and retaining the certified message in the ledger at least until the publisher application has received a confirmation message from the subscriber application, the confirmation message confirming receipt of the certified message at the subscriber application (verifies that all packets have been received, line 47 column 5; when all packets have been successfully received, an acknowledgment message is sent, lines 51-53 column 5; bad or missing packets are then resent, line 51 column 5).

Skeen does not explicitly teach the subscription request including a subscriber name identifying the subscriber application.

Cohen teaches (line 62 column 5 to line 14 column 6) an event publish/subscribe system wherein the publisher maintains a subscriber database within its system wherein this subscriber database identifies each of the subscribers when these subscribers send subscription requests for events. It would have been obvious to apply the teachings of Cohen to the system of Skeen because by maintaining a subscriber database identifies each of the subscribers, the system allows the publisher to send the events to the appropriate subscriber that subscribes for a particular event as disclosed by Cohen (line 62 column 5 to line 14 column 6).

**As to claim 50**, Skeen as modified further teaches responsive to receiving, at the publisher application, a confirmation message confirming receipt of the certified

Art Unit: 2194

message identified by the assigned sequence number at the subscriber application, updating the ledger (flush the packets out of the retransmit buffer, line 54 column 5) at the publisher application to indicate the certified message identified by the assigned sequence number was received by the subscriber application (verifies that all packets have been received, line 47 column 5; when all packets have been successfully received, an acknowledgment message is sent, lines 51-53 column 5).

**As to claim 51**, Skeen as modified further teaches responsive to receiving at the publisher application a confirmation message confirming receipt of the certified message identified by the assigned sequence number at the subscriber application, deleting the certified message identified by the assigned sequence number from the ledger (flush the packets out of the retransmit buffer, line 54 column 5) at the publisher application (verifies that all packets have been received, line 47 column 5).

**As to claim 52**, it is a method claim of claims 50-51. Therefore, it is rejected for the same reasons as claims 50-51 above.

**As to claim 54**, Skeen as modified further teaches wherein the ledger is a file-based ledger, and the certified messaging session is persistent beyond termination and restart of the publisher application and/or the subscriber application (lines 41-55 column 46).

**As to claim 55**, Skeen as modified further teaches wherein prior to establishing the certified messaging session with the subscriber application, the publisher application publishes messages that are communicated to the subscriber application without the

Art Unit: 2194

publisher application having knowledge of the existence of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81).

**As to claim 56**, it is a method claim of claim 49. Therefore, it is rejected for the same reasons as claim 49 above. Skeen as modified further teaches updating a ledger at the subscriber application to indicate the receipt of the certified message identified by the sequence number (... on the receive side, if all packets did not come in or some are garbled, a request is sent for retransmission. The bad or missing packets are then resent. When all packets have been successfully received, an acknowledgment message is sent..., lines 49-53 column 5).

**As to claim 58**, Skeen as modified further teaches after communicating a confirmation message to the publisher application, receiving a second certified message having a sequence number indicating a previous certified message was sent by the publisher application, but not received by the subscriber application (subsequent data messages, line 31 column 100; verifies that all packets have been received, line 47 column 5); and communicating a certified message request to the publisher application, the certified message request including a sequence number associated with a certified message that the ledger indicates was previously received at the subscriber application (...when all packets have been successfully received, an acknowledgment message is sent..., lines 49-53 column 5).

**As to claim 59**, it is a method claim of claim 54. Therefore, it is rejected for the same reasons as claim 54 above.

Art Unit: 2194

**As to claim 60**, it is a system claim of claims 49-50. Therefore, it is rejected for the same reasons as claims 49-50 above.

**As to claims 61-62, 64-66 and 68-69**, they are system claims of claims 51-52, 54-56 and 58-59, respectively. Therefore, they are rejected for the same reasons as claims 51-52, 54-56 and 58-59 above.

### ***Response to Arguments***

5. Applicant's arguments filed 7/15/2005 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.



Art Unit: 2194

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

**MENG-AI T. AN**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100